

HOUSE BILL 1273

By Holsclaw

AN ACT to amend Tennessee Code Annotated, Title 2 and Title 3, Chapter 18, relative to political party affiliations.

WHEREAS, statewide groups of registered voters have the right to freely associate around ideas and political platforms, such right of free association being guaranteed under the Fourth Amendment to the United States Constitution; and

WHEREAS, primary elections were instituted in Tennessee by the General Assembly in 1972, and such primary elections across the United States were implemented, in part, to reduce corruption in the nomination of candidates for the statewide political parties; and

WHEREAS, Tennessee law allows any group of people meeting certain criteria to create a statewide political party and for each such statewide political party to conduct primaries to select their nominees to be placed on the ballot for general elections; and

WHEREAS, Tennessee law currently restricts registered voters who have no allegiance to a statewide political party from participating in the primaries of that statewide political party; and

WHEREAS, general elections are the only elections in which the right to vote under the United States Constitution is protected; and

WHEREAS, primary elections continue to serve the useful purposes of eliminating corruption in the nominating process while also guaranteeing the rights of voters who have allegiance to a statewide political party to freely associate and select their nominees for general elections without influence from those who do not have allegiance to that statewide political party; and

WHEREAS, it remains the intention of the General Assembly that nominees for each statewide political party be selected only by registered voters who have allegiance to the statewide political party in which they are selecting nominees for the general election; and

WHEREAS, registered voters who support one (1) statewide political party, even candidates on a ballot, are voting in the primaries of another statewide political party to which they do not have allegiance, which is a felony offense under current law; and

WHEREAS, it is the intention of the General Assembly to ensure honesty in primary elections; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known as the "Political Party Registration Act."

SECTION 2. Tennessee Code Annotated, Section 2-2-116, is amended by adding the following new question 10 and redesignating the subsequent questions accordingly:

10. Statewide Political Party Affiliation. Choose one. See the affidavit at the bottom of the form before making a selection:

- ☐ Unaffiliated with a statewide political party
- ☐ Democratic Party
- ☐ Republican Party
- ☐ Other (Please specify)_____

SECTION 3. Tennessee Code Annotated, Section 2-2-116, is amended by deleting the following language:

I, being duly sworn on oath (or affirmation) declare that the above address is my legal residence and that I plan to remain at such residence for an undetermined period of time and say that to the best of my knowledge and belief all of the foregoing statements made by me are true.

and substituting instead the following:

I, being duly sworn on oath (or affirmation), declare that the above address is my legal residence and that I plan to remain at such residence for an undetermined period of

time. I understand that by selecting "Unaffiliated with a statewide political party," I am not eligible to vote in any primary election unless I change my statewide political party affiliation before the end of the registration period for the primary election in which I seek to participate. I further declare that by selecting a statewide political party that I am a bona fide member of the selected statewide political party or that I declare allegiance to the selected statewide political party and intend to affiliate with that party and that I understand that voting in an election to which I am not entitled to vote is a Class D felony (T.C.A. § 2-19-107). Under penalty of law, I declare that to the best of my knowledge and belief all of the foregoing statements made by me are true.

SECTION 4. Tennessee Code Annotated, Section 2-2-116, is amended by designating the existing language as subsection (a) and adding the following new subsection (b):

(b) When a registered voter seeks to change only their statewide political party affiliation on their permanent voter registration record, the county elections office shall ask the registered voter to complete a statewide political party affiliation change form which must contain the following information:

(1) The minimum information needed by the county election commission to uniquely identify the registered voter, which must be, at a minimum, the full name, last four digits of the social security number, and birth date of the registered voter;

(2) Statewide Political Party Affiliation. Choose one. See the affidavit at the bottom of the form before making a selection:

- ☐ Unaffiliated with a statewide political party
- ☐ Democratic Party
- ☐ Republican Party
- ☐ Other (Please specify)_____

I, being duly sworn on oath (or affirmation), declare that I understand that by selecting "Unaffiliated with a statewide political party," I am not eligible to vote in any primary election unless I change my statewide political party affiliation before the end of the registration period of the primary election in which I seek to participate. I further declare that by selecting a statewide political party that I am a bona fide member of the selected statewide political party or that I declare allegiance to the selected statewide political party and intend to affiliate with that party and that I understand that voting in an election to which I am not entitled to vote is a Class D felony (T.C.A. § 2-19-107). Under penalty of law, I declare that to the best of my knowledge and belief all of the foregoing statements made by me are true.

Signature of Applicant

If the registrant signs by a mark, or cannot sign at all, fill in the following information:

Sworn to and subscribed to before me

this _____ day of _____, 20 _____,

Signature of Administrator of Elections or other person taking affidavit

Official Position

SECTION 5. Tennessee Code Annotated, Section 2-2-124(b), is amended by adding the following language after "and is entitled to vote on and after _____":

The administrator of elections shall add one (1) of the following statements to the certification statement based on the registered voter's statewide political party affiliation:

(1) "Such voter has not specified a statewide political party affiliation and is not entitled to vote in any primary elections.";

(2) "Such voter has stated that the voter is not affiliated with a statewide political party and is not entitled to vote in primary elections."; or

(3) "Such voter is affiliated with the (name of the statewide political party) and is entitled to vote only in that party's primary elections.".

SECTION 6. Tennessee Code Annotated, Section 2-2-124, is amended by adding the following new subsection:

(f) The administrator of elections is not required to re-issue registration cards for voters who were registered prior to July 1, 2019, solely for the purposes of indicating that a voter has not yet registered their party affiliation or for modifying the content of the registration cards pursuant to this act.

SECTION 7. Tennessee Code Annotated, Section 2-5-216(a)(2), is amended by deleting the language "a place for the voter to indicate the voter's party" and substituting instead "a place for the administrator of elections to indicate the voter's statewide political party affiliation as recorded on the voter's permanent registration record as of the registration deadline for the primary election pursuant to § 2-7-115".

SECTION 8. Tennessee Code Annotated, Section 2-7-115, is amended by deleting subsection (b) and substituting instead the following:

(b) A registered voter is entitled to vote in a primary election for offices for which the voter is qualified to vote at the polling place where the voter is registered under the following conditions:

(1) If the voter is registered before the registration deadline of that primary election as being affiliated with that statewide political party in whose primary they seek to vote; or

(2) If the voter was registered prior to July 1, 2019, and:

(A) The primary election is the first primary election the voter has participated in following such date;

(B) The voter has not changed their voter registration or selected a statewide political party affiliation since July 1, 2019;

(C) The voter at the polling station during the primary election period completes a valid statewide political party affiliation form specified in § 2-2-116(b); and

(D) The voter selects on the registration form the statewide political party of the primary election in which the voter wishes to vote.

(c) If a voter declares a party affiliation under subsection (b)(2)(D), the declaration of party affiliation must be added to the voter's permanent registration record.

SECTION 9. Tennessee Code Annotated, Section 2-7-111, is amended by adding the following new subsection:

(e) For primary elections, the state election commission shall provide and the coordinator of elections shall post a sign in a conspicuous location as near as practicable to the location where ballots are posted pursuant to subsection (a) stating the following in a font size of at least 24 points:

(1) "It is a Class D felony for a voter to participate in the primary election of a statewide political party unless that voter is affiliated with that statewide political party. T.C.A. § 2-19-107.";

(2) "If you were registered to vote prior to July 1, 2019, and this is the first primary election in which you have participated after July 1, 2019, and you have not changed your voter registration nor selected a statewide political party

affiliation since July 1, 2019, you may register your party affiliation today by completing a statewide political party affiliation form. You will then be allowed to vote in the primary election of the party you select on that form. T.C.A. § 2-7-115(b)."; and

(3) "It is a Class D felony for a voter to participate in an election to which that voter is not entitled to vote. T.C.A. § 2-19-107.".

SECTION 10. This act shall take effect July 1, 2019, the public welfare requiring it.